IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Crl.MC.No. 3786 of 2006()

CRIME NO.218 OF 2005 OF PARAVUR POLICE STATION
.....

PETITIONER:
---

1. SALAHUDEEN KOYA, S/O.KOCHUKUNJU,
NOW EMPLOYED AT SAUDI ARABIA HAVING PERMANENT RESIDENCE AT "AMBANATTU VEEDU", KOLLAKA, KARUNAGAPPALLY, REPRESENTED BY HIS POWER OF ATTORNEY ABDUL LATHEEF LABBA (BROTHER-IN-LAW).

2. SHARAFUDEEN, S/O.KOCHUKUNJU,
NOW EMPLOYED AT SAUDI ARABIA, HAVING PERMANENT RESIDENCE AT "AMBANATTU VEEDU", KOLLAKA, KARUNAGAPPALLY, REPRESENTED IN THIS PROCEEDINGS, THROUGH HIS WIFE NASEEMA.

3. NASEEMA, AGED 38 YEARS,
W/O.SHARAFUDEEN, RESIDING AT AMBANATTU VEEDU, KOLLAKA, KARUNAGAPPALLY, REPRESENTING HER HUSBAND THE 2ND ACCUSED, HEREIN WHO IS NOW EMPLOYED AT SOUDI ARABIA.

4. RUHANATHU BEEVI, AGED 55 YEARS,
W/O.A.LATHEEF (RTD TEACHER), SHEEJA MANZIL, THODIYOOR NORTH P.O., KARUNAGAPPALLY.

BY ADV. SRI.P.V.VENUGOPAL

RESPONDENTS: COMPLAINANT
---

1. STATE OF KERALA, REPRESENTED BY
GOVERNMENT PLEADER/PUBLIC PROSECUTOR, HIGH COURT OF KERALA FOR SUB INSPECTOR OF POLICE, PARAVOOR.

2. LEENA, (DEFACTO OF COMPLAINANT),
D/O.SHIHABUDEEN, NEELAMACHAZHIKAM, PARAVOOR, KOLLAM DIST).

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB
SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR
SRI.DILEEP P.PILLAI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3786 of 2006

Dated this the 14th day of March, 2007

ORDER

The petitioners are accused 1 to 4 in a prosecution, inter alia, under Section 498 A I.P.C. The said proceedings was initiated on the basis of a private complaint filed by the 2nd respondent herein, which was referred to the police under Section 156(3) Cr.P.C. After investigation, final report was filed by the police and cognizance was taken by the learned Magistrate. The case is now pending before the Judicial Magistrate of the First Class, Paravur as C.C.No.536 of 2006. The 1st petitioner/1st accused is the husband of the 2nd respondent. Petitioners 2 to 4 are relatives of the 1st petitioner .1st accused.

2. The petition is to quash the proceedings initiated against the petitioners by invoking the extraordinary inherent jurisdiction under Section 482 Cr.P.C. In the course of the proceedings it was submitted that the matter has been settled amicably between the parties. They have settled all their disputes and the 2nd respondent has compounded all the offences allegedly committed by the petitioners/accused 1 to 4. The 2nd respondent has entered appearance through counsel. The counsel for the petitioners as well as the 2nd respondent submit before the Court that the disputes have been settled. They have filed a compromise petition as

Crl.M.P.No.1162 of 2007. Both the counsel have asserted in such petition that the matter has been settled and all payments due have been paid.

3. I am satisfied from the submissions made at the bar, as also the compromise petition Crl.M.P.No.1162 of 2007 filed on behalf of the rival contestants and the affidavit filed by the counsel for the rival contestants as also the agreement which is said to be entered into between the parties that all disputes between the parties have been settled. The offence under Section 498 A I.P.C is not declared to be compoundable under Section 320 Cr.P.C. But in such a situation counsel rely on the decision in **B.S.Joshy v. State of Haryana** [A.I.R (2003) S.C 1386].

4. I am satisfied that the matter has been settled between the parties. In these circumstances, the dictum in **B.S.Joshy** (supra) can safely be invoked to bring the proceedings to premature termination.

5. This Crl.M.C is, in these circumstances, allowed. C.C.No.536 of 2006 pending before the learned Judicial Magistrate of the First Class, Paravur against the petitioners is hereby quashed.

(R.BASANT, JUDGE)

rtr/-